

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA;
THE STATES OF CALIFORNIA,
DELAWARE, DISTRICT OF COLUMBIA,
FLORIDA, GEORGIA, HAWAII, ILLINOIS,
INDIANA, LOUISIANA, MASSACHUSETTS,
MICHIGAN, MONTANA, NEW HAMPSHIRE,
NEW MEXICO, NEW YORK, NEVADA,
OKLAHOMA, TENNESSEE, TEXAS, and
VIRGINIA; and the COUNTY OF COOK, ILLINOIS,
and CITIES of CHICAGO and NEW YORK; ex rel.
JAMES WAGEL; and JAMES WAGEL, individually,

CIVIL ACTION NO. 06-15275

HON. JOHN CORBETT O'MEARA

UNDER SEAL

Plaintiffs,

v.

AMERSHAM BIOSCIENCES, a division of
GE HEALTHCARE, GE HEALTHCARE, et al.,

Defendants.

**THE GOVERNMENT'S NOTICE OF ELECTION TO INTERVENE
IN PART AND TO DECLINE TO INTERVENE IN PART**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court of its decision to intervene in part of this action and to decline to intervene in part of this action, consistent with the settlement agreement ("the Settlement Agreement") between the United States, relator James Wagel ("Relator"), and defendant GE Healthcare ("GEHC").

The United States intervenes as to the claims asserted by Relator in this action, on behalf of the United States, against GEHC and defendants Amersham Biosciences, Amersham Health, and GE Healthcare Technologies (collectively "the GEHC Defendants") that are based on the Covered Conduct as defined in Recitals Paragraph D of the Settlement Agreement. The United

States declines to intervene in the remaining allegations asserted by Relator in this action, on behalf of the United States, against the GEHC Defendants and the other defendants.

Consistent with the terms of the Settlement Agreement, the United States and Relator are submitting concurrently herewith a Joint Stipulation of Dismissal. A proposed Order accompanies this Notice and the Joint Stipulation of Dismissal.

The United States requests that the Relator's Complaint and Amended Complaint, this Notice, the Joint Stipulation of Dismissal, and the proposed Order submitted herewith be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

Respectfully submitted,

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s/Jeffrey A. Toll, with consent

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Dated: December 21, 2011